

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELIEZIER L. ADLER,

On behalf of himself and all others similarly situated,

Plaintiff,

ORDER

-against-

12-cv-3362 (SLT) (VVP)

RJM ACQUISITIONS LLC,

Defendant.

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TOWNES, United States District Judge:

By letter dated October 15, 2012 [6], Defendant requests a pre-motion conference, seeking permission to file a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The Court grants Defendant permission to file their motion, but notes that Defendant should file its motion pursuant to Rule 12(c), in light of the fact that Defendant has already filed its answer. *See* FED. R. CIV. P. 12(c) ("After the pleadings are closed -- but early enough not to delay trial -- a party may move for judgment on the pleadings"). In light of the parties' submissions, a pre-motion conference will not materially assist the Court. The parties are directed to comply with the following briefing schedule:

Defendant shall serve its motion by November 15, 2012. Plaintiff shall serve her opposition to that motion by December 17, 2012, to which Defendant may reply by January 2, 2013. The fully briefed motion shall be filed by Defendant's counsel by January 3, 2013.

s/ SLT

SANDRA L. TOWNES

United States District Judge

Dated: October 23, 2012
Brooklyn, New York